



PATENT
3349-0106P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SEKINE et al. Conf.: 8522
Appl. No.: 10/067,871 Group: 1756
Filed: February 8, 2002 Examiner: S. C. WU

For: COMPOUND HAVING PHENYLACETYLENE
 STRUCTURE, LIQUID CRYSTAL COMPOSITION,
 POLYMER, OPTICALLY ANISOTROPIC PRODUCT,
 OPTICAL OR LIQUID CRYSTAL ELEMENT,
 DIBENZOTHIOPHENE COMPOUND,
 INTERMEDIATE, AND PROCESS FOR PRODUCING
 THE SAME

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 30, 2003

Sir:

In reply to the Restriction Requirement dated September 30, 2003, the following remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Claims 1-39 are pending in the above-identified application and have been subjected to a restriction and/or election requirement.

More particularly, in paragraph "1." of the Office Action, the Examiner indicates that claims 1, 3 and 24-27 are directed to a

plurality of disclosed patentably distinct species comprising different chemical structure and composition, etc. The Examiner also notes that claims 1, 3 and 24-27 are claimed as different chemical compounds; claims 6-9 are claimed as different compositions; claims 10-13 are claimed as different polymers; and claims 28-31 are a method of preparing different compounds. As such, the Examiner requires election under 35 USC § 121 to a single disclosed species.

In response to the Restriction Requirement, Applicants wish to elect generic claim 3 with traverse. However, due to the nature of the Restriction Requirement, Applicants are not sure whether Applicants can only elect one category of claims. As such, Applicants also submit that claims 4 and 5, which depend directly and indirectly from claim 3 are encompassed within the elected invention, and further, that claims 7, 9, 11 and 13, which also ultimately depend from claim 3 are encompassed by the elected invention.

Additionally, so far as Applicants believe that the Examiner may be requesting that Applicants also elect a single disclosed species of compound encompassed by generic claim 3 for purposes of instituting a search, Applicants elect with traverse, the compound in which both P3 and P4 are the group (2-1); and which compounds Applicant's believe fully satisfy any outstanding requirement for an election of species.

However, if the above election of a single species is deemed insufficient for instituting a search, then Applicant's also further elect with traverse a compound in which at least one of A⁹ to A¹¹ is an alkyl group having 1 to 10 carbon atoms optionally substituted with at least one fluorine atom.

Still Further, however, if the above election of a single species for instituting a search is continued to be deemed insufficient, then applicant's will finally also elect with traverse a compound in which at both R¹¹ and R¹² are R²⁴(O)_q groups.

Other Matters

In paragraphs "2." and "3." of the Office Action, the Examiner notes certain informalities in claims 9, 14-23, 25-27, 29-30 and 31. Applicants do not wish to correct these informalities at present, since it is not yet clear which claims the Examiner considers encompassed by the Elected invention.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

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3349-0106P

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Falls Church, VA 22040-0747
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LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 30, 2003

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☐ Petition for _____ () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

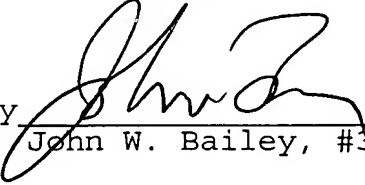
Appl. No. 10/067,871

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Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



John W. Bailey, #32,881

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Attachment(s)

(Rev. 09/30/03)